

**Introduced by Senator Corbett**

February 14, 2012

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An act to amend Sections 6205.5, 6206, 6206.5, 6206.7, 6207, 6210, and 6215.2 of the Government Code, relating to the protection of victims.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1082, as introduced, Corbett. Protection of victims: address confidentiality.

Existing law authorizes an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person who is a victim of domestic violence, sexual assault, or stalking to complete an application in person at a community-based victims' assistance program to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant's address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Existing law requires applicants to be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date. Existing law requires the Secretary of State to establish a renewal procedure. Existing law authorizes the Secretary of State to cancel a program participant's certification and authorizes a program participant to withdraw from program participation, as specified.

This bill would require the adult person, minor, or incapacitated person who is a victim of domestic violence, sexual assault, or stalking to be domiciled in California, as specified. This bill would authorize a minor program participant, who reaches 18 years of age during his or her enrollment, to renew as an adult, as specified. This bill would modify

the Secretary of State's authority to terminate a program participant's certification, as specified. This bill would authorize the office of the Secretary of State to refuse to handle or forward packages for program participants, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6205.5 of the Government Code is  
2 amended to read:

3 6205.5. Unless the context clearly requires otherwise, the  
4 definitions in this section apply throughout this chapter.

5 (a) "Address" means a residential street address, school address,  
6 or work address of an individual, as specified on the individual's  
7 application to be a program participant under this chapter.

8 (b) "Domestic violence" means an act as defined in Section  
9 6211 of the Family Code.

10 (c) "*Domicile*" means a place of habitation as defined in Section  
11 349 of the Elections Code.

12 ~~(e)~~

13 (d) "Program participant" means a person certified as a program  
14 participant under Section 6206.

15 ~~(e)~~

16 (e) "Sexual assault" means an act or attempt made punishable  
17 by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288,  
18 288.5, 288a, 289, or 647.6 of the Penal Code.

19 ~~(e)~~

20 (f) "Stalking" means an act as defined in Section 646.9 of the  
21 Penal Code.

22 SEC. 2. Section 6206 of the Government Code is amended to  
23 read:

24 6206. (a) An adult person, a parent or guardian acting on behalf  
25 of a minor, or a guardian acting on behalf of an incapacitated  
26 person, *who is domiciled in California*, may apply to the Secretary  
27 of State to have an address designated by the Secretary of State  
28 serve as the person's address or the address of the minor or  
29 incapacitated person. An application shall be completed in person  
30 at a community-based victims' assistance program. The application  
31 process shall include a requirement that the applicant shall meet

1 with a victims' assistance counselor and receive orientation  
2 information about the program. The Secretary of State shall  
3 approve an application if it is filed in the manner and on the form  
4 prescribed by the Secretary of State and if it contains all of the  
5 following:

6 (1) A sworn statement by the applicant that the applicant has  
7 good reason to believe both of the following:

8 (A) That the applicant, or the minor or incapacitated person on  
9 whose behalf the application is made, is a victim of domestic  
10 violence, sexual assault, or stalking.

11 (B) That the applicant fears for his or her safety or his or her  
12 children's safety, or the safety of the minor or incapacitated person  
13 on whose behalf the application is made.

14 (2) If the applicant alleges that the basis for the application is  
15 that the applicant, or the minor or incapacitated person on whose  
16 behalf the application is made, is a victim of domestic violence or  
17 sexual assault, the application may be accompanied by evidence  
18 including, but not limited to, any of the following:

19 (A) Police, court, or other government agency records or files.

20 (B) Documentation from a domestic violence or sexual assault  
21 program if the person is alleged to be a victim of domestic violence  
22 or sexual assault.

23 (C) Documentation from a legal, clerical, medical, or other  
24 professional from whom the applicant or person on whose behalf  
25 the application is made has sought assistance in dealing with the  
26 alleged domestic violence or sexual assault.

27 (D) Any other evidence that supports the sworn statement, such  
28 as a statement from any other individual with knowledge of the  
29 circumstances that provides the basis for the claim, or physical  
30 evidence of the act or acts of domestic violence or sexual assault.

31 (3) If the applicant alleges that the basis for the application is  
32 that the applicant, or the minor or incapacitated person on whose  
33 behalf the application is made, is a victim of stalking, the  
34 application shall be accompanied by evidence including, but not  
35 limited to, any of the following:

36 (A) Police, court, or other government agency records or files.

37 (B) Legal, clerical, medical, or other professional from whom  
38 the applicant or person on whose behalf the application is made  
39 has sought assistance in dealing with the alleged stalking.

1 (C) Any other evidence that supports the sworn statement, such  
2 as a sworn statement from any other individual with knowledge  
3 of the circumstances that provide the basis for the claim, or physical  
4 evidence of the act or acts of stalking.

5 (4) A statement of whether there are any existing court orders  
6 involving the applicant for child support, child custody, or child  
7 visitation, and whether there are any active court actions involving  
8 the applicant for child support, child custody, or child visitation,  
9 the name and address of legal counsel of record, and the last known  
10 address of the other parent or parents involved in those court orders  
11 or court actions.

12 (5) A designation of the Secretary of State as agent for purposes  
13 of service of process and for the purpose of receipt of mail.

14 (A) Service on the Secretary of State of any summons, writ,  
15 notice, demand, or process shall be made by delivering to the  
16 address confidentiality program personnel of the Office of the  
17 Secretary of State two copies of the summons, writ, notice, demand,  
18 or process.

19 (B) If a summons, writ, notice, demand, or process is served on  
20 the Secretary of State, the Secretary of State shall immediately  
21 cause a copy to be forwarded to the program participant at the  
22 address shown on the records of the address confidentiality  
23 program so that the summons, writ, notice, demand, or process is  
24 received by the program participant within three days of the  
25 Secretary of State's having received it.

26 (C) The Secretary of State shall keep a record of all summonses,  
27 writs, notices, demands, and processes served upon the Secretary  
28 of State under this section and shall record the time of that service  
29 and the Secretary of State's action.

30 (D) The office of the Secretary of State and any agent or person  
31 employed by the Secretary of State shall be held harmless from  
32 any liability in any action brought by any person injured or harmed  
33 as a result of the handling of first-class mail on behalf of program  
34 participants.

35 (6) The mailing address where the applicant can be contacted  
36 by the Secretary of State, and the phone number or numbers where  
37 the applicant can be called by the Secretary of State.

38 (7) The address or addresses that the applicant requests not be  
39 disclosed for the reason that disclosure will increase the risk of  
40 domestic violence, sexual assault, or stalking.

1 (8) The signature of the applicant and of any individual or  
2 representative of any office designated in writing under Section  
3 6208.5 who assisted in the preparation of the application, and the  
4 date on which the applicant signed the application.

5 (b) Applications shall be filed with the office of the Secretary  
6 of State.

7 (c) Upon filing a properly completed application, the Secretary  
8 of State shall certify the applicant as a program participant.  
9 Applicants shall be certified for four years following the date of  
10 filing unless the certification is withdrawn or invalidated before  
11 that date. The Secretary of State shall by rule establish a renewal  
12 procedure. *A minor program participant, who reaches 18 years*  
13 *of age during his or her enrollment, may renew as an adult*  
14 *following the renewal procedures established by the Secretary of*  
15 *State.*

16 (d) Upon certification, in any case where there are court orders  
17 or court actions identified in paragraph (4) of subdivision (a) and  
18 there is no other or superseding court order dictating the specific  
19 terms of communication between the parties, the Secretary of State  
20 shall, within 10 days, notify the other parent or parents of the  
21 address designated by the Secretary of State for the program  
22 participant and the designation of the Secretary of State as agent  
23 for purposes of service of process. The notice shall be given by  
24 mail, return receipt requested, postage prepaid, to the last known  
25 address of the other parent to be notified. A copy shall also be sent  
26 to that parent's counsel of record.

27 (e) A person who falsely attests in an application that disclosure  
28 of the applicant's address would endanger the applicant's safety  
29 or the safety of the applicant's children or the minor or  
30 incapacitated person on whose behalf the application is made, or  
31 who knowingly provides false or incorrect information upon  
32 making an application, is guilty of a misdemeanor. A notice shall  
33 be printed in bold type and in a conspicuous location on the face  
34 of the application informing the applicant of the penalties under  
35 this subdivision.

36 SEC. 3. Section 6206.5 of the Government Code is amended  
37 to read:

38 ~~6206.5. (a) The Secretary of State may cancel. Upon~~  
39 ~~termination of a program participant's certification if there is a~~  
40 ~~change in the residential address from the one listed on the~~

1 application, unless the program participant provides the Secretary  
2 of State with at least seven days' prior notice of the change of  
3 address., *the Secretary of State shall retain records as follows:*

4 (b) ~~The Secretary of State may cancel a program participant's~~  
5 ~~certification if the program participant changes his or her name~~  
6 ~~from the one listed in the application and fails to notify the~~  
7 ~~Secretary of State of the name change within seven days of the~~  
8 ~~change.~~

9 (c) ~~The Secretary of State may cancel certification of a program~~  
10 ~~participant if mail forwarded by the secretary to the program~~  
11 ~~participant's address is returned as nondeliverable.~~

12 (d) ~~The Secretary of State shall cancel certification of a program~~  
13 ~~participant who applies using false information.~~

14 (e)

15 (a) Except as provided in subdivision (f) of Section 6206.7 or  
16 subdivision (c) of Section 6208, any records or documents  
17 pertaining to a program participant shall be held confidential for  
18 a period of three years after termination of certification.

19 (f)

20 (b) All records or documents pertaining to a program participant  
21 shall be retained for a period of three years after termination of  
22 certification and then destroyed, except for change of name records,  
23 which shall be retained permanently.

24 SEC. 4. Section 6206.7 of the Government Code is amended  
25 to read:

26 6206.7. (a) A program participant may withdraw from program  
27 participation by submitting to the ~~address confidentiality program~~  
28 ~~manager~~ *Secretary of State* written notification of withdrawal and  
29 his or her current identification card. Certification shall be  
30 terminated on the date of receipt of this notification.

31 (b) ~~The address confidentiality program manager~~ *Secretary of*  
32 *State* may terminate a program participant's certification and  
33 invalidate his or her authorization card for any of the following  
34 reasons:

35 (1) The program participant's certification term has expired and  
36 certification renewal has not been completed.

37 (2) ~~The address confidentiality program manager~~ *Secretary of*  
38 *State* has determined that false information was used in the  
39 application process to qualify as a program participant or that  
40 participation in the program is being used as a subterfuge to avoid

1 detection of illegal or criminal activity or apprehension by law  
2 enforcement.

3 (3) The program participant no longer resides at the *most recent*  
4 residential address ~~listed on the application, provided to the~~  
5 *Secretary of State*, and has not provided at least seven days' prior  
6 notice in writing of a change in address.

7 (4) A service of process document or mail forwarded to the  
8 program participant by ~~the address confidentiality program~~  
9 ~~manager~~ *the Secretary of State* is returned as nondeliverable.

10 (5) The program participant obtains a legal name change and  
11 fails to notify the Secretary of State within seven days.

12 (6) *The adult program participant or the parent or guardian*  
13 *acting on behalf of a minor or incapacitated person has abandoned*  
14 *his or her domicile in this state.*

15 (7) *The program participant, who reaches 18 years of age*  
16 *during his or her certification term, has not renewed his or her*  
17 *certification within 60 days of him or her reaching 18 years of*  
18 *age.*

19 (c) If ~~intended~~ termination is ~~a result of paragraph (1), (3), (4),~~  
20 ~~or (5) of based on any of the reasons under subdivision (b), the~~  
21 ~~address confidentiality program manager~~ *Secretary of State* shall  
22 send written notification of the intended termination to the program  
23 participant. The program participant shall have ~~five business~~ 30  
24 days in which to appeal the *intended* termination under procedures  
25 developed by the Secretary of State.

26 (d) ~~The address confidentiality program manager~~ *Secretary of*  
27 *State* shall notify in writing the county elections official and  
28 authorized personnel of the appropriate county clerk's office,  
29 county recording office, and department of health of the program  
30 participant's certification withdrawal, invalidation, expiration, or  
31 termination.

32 (e) Upon receipt of this termination notification, authorized  
33 personnel shall transmit to ~~the address confidentiality program~~  
34 ~~manager~~ *Secretary of State* all appropriate administrative records  
35 pertaining to the program participant and the record transmitting  
36 agency is no longer responsible for maintaining the confidentiality  
37 of a terminated program participant's record.

38 (f) Following termination of program participant certification  
39 as a result of paragraph (2) of subdivision (b), ~~the address~~

1 ~~confidentiality program manager~~ *Secretary of State* may disclose  
2 information contained in the participant's application.

3 SEC. 5. Section 6207 of the Government Code is amended to  
4 read:

5 6207. (a) A program participant may request that state and  
6 local agencies use the address designated by the Secretary of State  
7 as his or her address. When creating a public record, state and local  
8 agencies shall accept the address designated by the Secretary of  
9 State as a program participant's substitute address, unless the  
10 Secretary of State has determined both of the following:

11 (1) The agency has a bona fide statutory or administrative  
12 requirement for the use of the address which would otherwise be  
13 confidential under this chapter.

14 (2) This address will be used only for those statutory and  
15 administrative purposes and shall not be publicly disseminated.

16 (b) A program participant may request that state and local  
17 agencies use the address designated by the Secretary of State as  
18 his or her address. When modifying or maintaining a public record,  
19 excluding the record of any birth, fetal death, death, or marriage  
20 registered under Division 102 (commencing with Section 102100)  
21 of the Health and Safety Code, state and local agencies shall accept  
22 the address designated by the Secretary of State as a program  
23 participant's substitute address, unless the Secretary of State has  
24 determined both of the following:

25 (1) The agency has a bona fide statutory or administrative  
26 requirement for the use of the address which would otherwise be  
27 confidential under this chapter.

28 (2) This address will be used only for those statutory and  
29 administrative purposes and shall not be publicly disseminated.

30 (c) A program participant may use the address designated by  
31 the Secretary of State as his or her work address.

32 (d) The office of the Secretary of State shall forward all  
33 first-class mail and all mail sent by a governmental agency to the  
34 appropriate program participants. The office of the Secretary of  
35 State ~~shall not may, in its discretion, refuse to~~ handle or forward  
36 packages regardless of size or type of mailing.

37 (e) Notwithstanding subdivisions (a) and (b), program  
38 participants shall comply with the provisions specified in  
39 subdivision (d) of Section 1808.21 of the Vehicle Code if  
40 requesting suppression of the records maintained by the Department



1 of Motor Vehicles. Program participants shall also comply with  
2 all other provisions of the Vehicle Code relating to providing  
3 current address information to the department.

4 SEC. 6. Section 6210 of the Government Code is amended to  
5 read:

6 6210. (a) ~~Notwithstanding Section 7550.5, the Secretary of~~  
7 ~~State shall submit to the Legislature, no later than January 10 of~~  
8 ~~each year, a report that includes the total number of applications~~  
9 ~~received for the program established by this chapter. The report~~  
10 ~~shall disclose the number of program participants within each~~  
11 ~~county and shall also describe any allegations of misuse relating~~  
12 ~~to election purposes.~~

13 ~~(b) The Secretary of State shall commence accepting~~  
14 ~~applications and other activities under this program on July 1,~~  
15 ~~1999.~~

16 ~~(c) Notwithstanding Section 7550.5, the Secretary of State shall~~  
17 ~~submit to the Legislature by January 1, 2004, a report that includes~~  
18 ~~the total number of pieces of mail forwarded to program~~  
19 ~~participants, the number of program participants during the~~  
20 ~~program's duration, the number of program participants who~~  
21 ~~obtained a confidential name change pursuant to subdivision (b)~~  
22 ~~of Section 1277 of the Code of Civil Procedure, the average length~~  
23 ~~of time a participant remains in the program, and the targeted code~~  
24 ~~changes needed to improve the program's efficiency and~~  
25 ~~cost-effectiveness.~~

26 SEC. 7. Section 6215.2 of the Government Code is amended  
27 to read:

28 6215.2. (a) An adult person, a parent or guardian acting on  
29 behalf of a minor, or a guardian acting on behalf of an incapacitated  
30 person may apply to the Secretary of State to have an address  
31 designated by the Secretary of State to serve as the person's address  
32 or the address of the minor or incapacitated person. An application  
33 shall be completed in person at a community-based assistance  
34 program designated by the Secretary of State. The application  
35 process shall include a requirement that the applicant shall meet  
36 with a counselor and receive orientation information about the  
37 program. The Secretary of State shall approve an application if it  
38 is filed in the manner and on the form prescribed by the Secretary  
39 of State and if it contains all of the following:

1 (1) If the applicant alleges that the basis for the application is  
2 that the applicant, or the minor or incapacitated person on whose  
3 behalf the application is made, is a reproductive health care service  
4 provider, employee, or volunteer who is fearful for his or her safety  
5 or the safety of his or her family because of his or her affiliation  
6 with a reproductive health care services facility, the application  
7 shall be accompanied by all of the following:

8 (A) Documentation showing that the individual is to commence  
9 employment or is currently employed as a provider or employee  
10 at a reproductive health care services facility or is volunteering at  
11 a reproductive health care services facility.

12 (B) A certified statement signed by a person authorized by the  
13 reproductive health care services facility stating that the facility  
14 or any of its providers, employees, volunteers, or patients is or was  
15 the target of threats or acts of violence within one year of the date  
16 of the application. A person who willfully certifies as true any  
17 material matter pursuant to this section which he or she knows to  
18 be false is guilty of a misdemeanor.

19 (C) A sworn statement that the applicant fears for his or her  
20 safety or the safety of his or her family, or the safety of the minor  
21 or incapacitated person on whose behalf the application is made  
22 due to his or her affiliation with the reproductive health care  
23 services facility providing the declaration described in  
24 subparagraph (B).

25 (2) If the applicant alleges that the basis for the application is  
26 that the applicant is a reproductive health care services facility  
27 volunteer, the application shall, in addition to the documents  
28 specified in paragraph (1), be accompanied by reproductive health  
29 care services facility documentation showing the length of time  
30 the volunteer has committed to working at the facility.

31 (3) If the applicant alleges that the basis of the application is  
32 that the applicant, or the minor or incapacitated person on whose  
33 behalf the application is made, is a person who is or has been the  
34 target of threats or acts of violence because he or she is obtaining  
35 or seeking to obtain services at a reproductive health care services  
36 facility within one year of the date of the application, the  
37 application shall be accompanied by the following:

38 (A) A sworn statement that the applicant has good reason to  
39 fear for his or her safety or the safety of his or her family.

1 (B) Any police, court, or other government agency records or  
2 files that show any complaints of the alleged threats or acts of  
3 violence.

4 (4) A designation of the Secretary of State as agent for purposes  
5 of service of process and for the purpose of receipt of mail.

6 (A) Service on the Secretary of State of any summons, writ,  
7 notice, demand, or process shall be made by delivering to the  
8 address confidentiality program personnel of the office of the  
9 Secretary of State two copies of the summons, writ, notice, demand,  
10 or process.

11 (B) If a summons, writ, notice, demand, or process is served on  
12 the Secretary of State, the Secretary of State shall immediately  
13 cause a copy to be forwarded to the program participant at the  
14 address shown on the records of the address confidentiality  
15 program so that the summons, writ, notice, demand, or process is  
16 received by the program participant within three days of the  
17 Secretary of State's having received it.

18 (C) The Secretary of State shall keep a record of all summonses,  
19 writs, notices, demands, and processes served upon the Secretary  
20 of State under this section and shall record the time of that service  
21 and the Secretary of State's action.

22 (D) The office of the Secretary of State and any agent or person  
23 employed by the Secretary of State shall be held harmless from  
24 any liability in any action brought by any person injured or harmed  
25 as a result of the handling of first-class mail on behalf of program  
26 participants.

27 (5) The mailing address where the applicant can be contacted  
28 by the Secretary of State, and the telephone number or numbers  
29 where the applicant can be called by the Secretary of State.

30 (6) The address or addresses that the applicant requests not be  
31 disclosed for the reason that disclosure will increase the risk of  
32 acts of violence toward the applicant.

33 (7) The signature of the applicant and of any individual or  
34 representative of any office designated in writing who assisted in  
35 the preparation of the application, and the date on which the  
36 applicant signed the application.

37 (b) Applications shall be filed with the office of the Secretary  
38 of State.

39 (c) Applications submitted by a reproductive health care services  
40 facility, its providers, employees, or volunteers shall be

1 accompanied by payment of a fee to be determined by the Secretary  
2 of State. This fee shall not exceed the actual costs of enrolling in  
3 the program. In addition, annual fees may also be assessed by the  
4 Secretary of State to defray the actual costs of maintaining this  
5 program. Annual fees assessed by the Secretary of State shall also  
6 be used to reimburse the General Fund for any amounts expended  
7 from that fund for the purposes of this chapter. No applicant who  
8 is a patient of a reproductive health care services facility shall be  
9 required to pay an application fee or the annual fee under this  
10 program.

11 (d) The Address Confidentiality for Reproductive Health Care  
12 Services Fund is hereby created in the General Fund. Upon  
13 appropriation by the Legislature, moneys in the fund are available  
14 for the administration of the program established pursuant to this  
15 chapter.

16 (e) Upon filing a properly completed application, the Secretary  
17 of State shall certify the applicant as a program participant.  
18 Applicants, with the exception of reproductive health care services  
19 facilities volunteers, shall be certified for four years following the  
20 date of filing unless the certification is withdrawn, or invalidated  
21 before that date. Reproductive health care services facility  
22 volunteers shall be certified until six months from the last date of  
23 volunteering with the facility. The Secretary of State shall by rule  
24 establish a renewal procedure. *A minor program participant, who*  
25 *reaches 18 years of age, may renew as an adult following the*  
26 *renewal procedures established by the Secretary of State.*

27 (f) A person who falsely attests in an application that disclosure  
28 of the applicant's address would endanger the applicant's safety  
29 or the safety of the applicant's family or the minor or incapacitated  
30 person on whose behalf the application is made, or who knowingly  
31 provides false or incorrect information upon making an application,  
32 is guilty of a misdemeanor. A notice shall be printed in bold type  
33 and in a conspicuous location on the face of the application  
34 informing the applicant of the penalties under this subdivision.